

REMARKS

Applicants appreciate the indication in the last Office action that claims 15, 17, 25 and 27 are allowable.

Claim 16 has been canceled without prejudice to future prosecution, and claim 32 has been amended to remove dependency on claim 16. In addition, new claim 39 has been added, which is directed to an isolated DNA which hybridizes under stringent conditions with DNA having a nucleotide sequence ranging from the 49th to 3,183rd bases in the nucleotide sequence set forth in SEQ ID NO: 1, wherein the stringent conditions comprise a temperature in the range of that from the T_m of a hybrid of completely matching nucleic acids to a temperature 20°C lower than the T_m , and the DNA encodes a protein specifically expressed in differentiated chondrocytes. Support for this claim may be found in original claim 5 and at page 16, lines 15-21.

No prohibited new matter has been added by way of these amendments. Further, Applicants believe that no new issues are raised by submission of claim 39, since the claim is being submitted as a clarification to the language canceled from claim 17 in the previous amendment filed November 8, 2004.

With respect to the rejections set forth in the Office action mailed February 10, 2005, Applicants submit that all of the rejections are either obviated by or rendered moot in light of the amendments presented above.

For instance, claims 16 and 32 were objected to and rejected under 35 U.S.C. §112, first and second paragraphs for allegedly lacking support and enablement in the specification and alleged lack of clarity. While Applicants do not acquiesce to the

position asserted in the Office Action that the recited protein domains are indefinite and undefined, the rejections of claims 16 and 32 are rendered moot by the cancellation of claim 16 and the amendment to claim 32 presented above.

This reply is fully responsive to the Office Action dated February 10, 2005.

Therefore, a Notice of Allowance is next in order and is respectfully requested.

Except for issue fees payable under 37 CFR §1.18, the director is hereby authorized by this paper to charge any additional fees during the pendency of this application including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 CFR §1.136(a)(3).

If the Examiner has any further questions relating to this Reply or to the application in general, she is respectfully requested to contact the undersigned by telephone so that allowance of the present application may be expedited.

Respectfully submitted,

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